

Prepared by and return to:  
Islamorada, Village of Islands  
Planning and Development Services Department  
86800 Overseas Highway  
Islamorada, Florida 33036

Filed and Recorded in Official Records of  
**MONROE COUNTY KEVIN MADOK, CPA**

**RESOLUTION NO. 25-06-52**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF CALOOSA SMI, LLC, CALOOSA SMI SERIES, FOR A MAJOR CONDITIONAL USE APPROVAL FOR A BOAT DEALERSHIP AS ACCESSORY USE TO THE MARINA FOR THE PROPERTY LOCATED AT 73501 OVERSEAS HIGHWAY ON LOWER MATECUMBE KEY WITHIN THE TOURIST COMMERCIAL (TC), WITH REAL ESTATE NUMBER 00388620-000000 AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE..**

**(File No.: PLCUP20240083)**

**WHEREAS**, CALOOSA SMI, LLC, (the "Applicant") has submitted an application for a Major Conditional Use pursuant to Section 30-217 of the Code of Ordinances (the "Code") of Islamorada, Village of Islands, Florida (the "Village") to allow for a boat dealership as accessory use to the marina located at 73501 Overseas Highway pursuant to Chapter 30, Land Development Regulations (LDRs) for property located at 73501 Overseas Highway on Lower Matecumbe Key within the Village, as legally described herein (the "Property"); and,

**WHEREAS**, the Property is located within the Village (TC) Zoning District; and

**WHEREAS**, the Director (the "Director") sent a Notice of Public Hearing to adjacent property owners and posted a sign on the subject properties on May 27, 2025; and,

**WHEREAS**, on June 12, 2025, the Village Council held a Public Hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2. Findings of Fact.**

The Village Council, having considered the testimony and evidence presented by all parties, including Village Staff, does hereby find and determine:

(1) The Application for a Major Conditional Use meets the requirements set forth in Code Section 30-216, 30-218, and 30-221 and has demonstrated through competent substantial evidence that the criteria for granting the Request have been met; and

(2) The Village Council approves the Request submitted by the Applicant, which is attached as Exhibit "A" and incorporated herein by this reference, for the following described property:

PT TRACT A (9.89 AC) AND AY BOTTOM SLY AND ADJ TRACT A LOWER MATECUMBE BEACH LOWER MATECMBE KEY PB3-34, AS RECORDED IN PLAT BOOK 3, AT PAGE 34 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.\*

(3) The approval is subject to the following Conditions of Approval:

1. The parking spaces in front of the store will only be used for motor vehicles no boat storage.
2. The parking spaces on southside of property, along property line will be limited to 3. This will allow access to fire lane along boat barn.
3. The driveway along side of the boat barn will be posted "No Parking Fire Lane" and this will extend to the 3 parking spaces by Overseas Hwy.
4. Conditions of Sign permit #202400879 to be completed and closed within 30 days of approval of the MCU.
5. The development shall be consistent with the Approved Site Plan (SP A-1) dated 2-10-25 prepared by CW3 Engineering.
6. Maintain setbacks as shown.
7. Issuance of a development permit by the Village does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the Village for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
8. A 20-foot-wide Class "D" Zoning District Boundary buffer is required consisting of 39 canopy trees, 21 understory trees and 168 shrubs.
9. A 5-foot-wide Class "B" Major Street Bufferyard is required consisting of 6 canopy trees, 2 understory trees and 20 shrubs.

10. All Category I and II invasive exotic vegetation shall be removed prior to final planning inspection. A Final Certificate of Occupancy shall not be issued for the proposed construction until all required improvements have been completed to the satisfaction of the Department of Planning and Development Services and the Village Building Official.
11. The Village reserves the right to rescind in whole or part any aspect of this Major Conditional Use in the event violation of these conditions occurs.
12. All conditions shall be enforceable through all the powers of the Village Attorney's Office and the Village reserves the right after due public hearing, to rescind in whole or part this Major Conditional Use, if violation of the conditions persists.
13. There will be no outdoor service use in the north section of the site.
14. The north section of the site will be limited to passive uses, including storage, display and boat washing only.
15. The proposed 50' x 55' concrete pad and shade structure will be removed.
16. The applicant will restore the abandoned structure in the north section, but limit use of the structure to parts and equipment storage.
17. Lighting in the north section will be limited to only include low profile and shielded security lighting, and light fixtures will be relocated to inside the fence and outside of the landscape buffer.
18. The Applicant will maintain the existing fence and screening around the north section (which will be enhanced with the 25' landscape buffer).
19. The Applicant will extend the zoning district buffer along the remainder of Iroquois Drive.

**Section 3. Conclusions of Law.**

Based upon the above Findings of Fact, the Village Council does hereby make the following Conclusions of Law:

- (1) The Request has been processed in accordance with the Village Comprehensive Plan and the Code; and
- (2) In rendering its decision, as reflected in this Resolution, the Village Council has:
  - (a) Accorded procedural due process; and
  - (b) Observed the essential requirements of the law; and
  - (c) Supported its decision by competent substantial evidence contained within the record.

**Section 4. Effective Date.**

This Resolution shall not take effect until after both thirty (30) days following the date it is filed with the Village Clerk, during which time the Request herein shall be subject to appeal as provided in the Code; and following the thirty (30) days, this resolution shall not be effective or acted upon by the Applicant until forty-five (45) days following the rendition to the Department of Commerce (DOC), pursuant to Chapter 9J-1 of the Florida Administrative Code. During those forty-five (45) days, the DOC may appeal this resolution to the Florida Land and Water Adjudicatory Commission, and that such an appeal stays the effectiveness of this Resolution until the appeal is resolved by agreement or order.

Motion to adopt by Vice Mayor Horton, second by Councilwoman Richards.

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:**

Mayor Sharon Mahoney	YES
Vice Mayor Don Horton	YES
Councilmember Steve Friedman	YES
Councilmember Anna Richards	YES
Councilmember Deb Gillis	YES

PASSED AND ADOPTED THIS 12<sup>th</sup> DAY OF JUNE 2025.

Sharon Mahoney  
SHARON MAHONEY, MAYOR

ATTEST:

Marne McGrath  
MARNE MCGRATH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE  
USE AND BENEFIT OF ISLAMORADA, VILLAGE OF  
ISLANDS ONLY

*on behalf of*

John J. Quick  
JOHN J. QUICK, VILLAGE ATTORNEY







